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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 * * * * *

13 IN RE: HCV PRISON LITIGATION

Case No: 3:19-cv-00577-MMD-CLB

14 **JOINT QUARTERLY REPORT**
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17 Pursuant to this Court's Order (ECF No. 79) and the Consent Judgment (ECF No. 80)
18 (referred to as "Consent Judgment" or "Consent Decree"), Defendants and Class Counsel submit
19 this Joint Quarterly Report ("Report") as part of their ongoing monitoring obligations. This Report
20 does not request relief or other intervention by the Court at this time.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Parties believe the consent decree is being followed as envisioned and that there are no issues that require the Court's intervention at this time.

The monitoring information provided by Defendants to Class Counsel includes confidential information that would merit protection under the Protective Order (ECF No. 43) and the Consent Decree (ECF No. 80). The Parties have prepared and attached redacted versions of these documents to this Report and believe that this is appropriate under the above documents and LR IC 6-1. Class Counsel have received unredacted versions of the documents, but do not need to make these documents part of the court record, requiring filing under seal, unless the Court disagrees.

For this reporting period, the Parties can represent that the fundamental aspects of the Consent Decree are in place and are operating as envisioned. In fact, Class Counsel are pleased to report that after working through the logjam of cases, the constraints posed by COVID-19, and various other issues among the parties, the Consent Decree is functioning to timely and comprehensively provide treatment to inmates in NDOC custody. In the prior quarter, 1015 inmates were tested for Hepatitis C; 77 inmates tested positive; 66 inmates started DAA treatment; and 60 inmates were cured after the completion of their DAA treatment. Class Counsel are especially pleased to report that these numbers demonstrate that treatment is not being delayed and that the incidence of Hepatitis C among inmates in NDOC custody continues to decline rapidly.

II. TESTING AND TREATMENT

Paragraph 32 of the Consent Decree requires Defendants to "test all inmates in the custody of NDOC for HCV by December 31, 2020." (ECF No. 80). This has been accomplished by Defendants, except for some inmates who are currently in the intake process and others who have recently returned to Nevada from out-of-state facilities. Inmates in these categories are in line to be tested and will be tested on an ongoing basis.

Paragraph 34 of the Consent Decree requires Defendants to "screen and prioritize all Class Members using the criteria in the revised version of MD 219." (ECF No. 80). This has been accomplished by Defendants, again except for inmates who are currently in the intake process or

1 who have recently returned to Nevada from out-of-state facilities. Defendants are no longer
 2 prioritizing or sequencing inmates for HCV treatment, which is a positive change that Class Counsel
 3 agrees with.

4 The Parties have investigated but not identified any changes to the medical standard of care
 5 for HCV that would warrant alterations of the Consent Decree. The HCV Guidelines of the AASLD
 6 and the IDSA were updated on September 29, 2021 and continue to recommend direct-acting
 7 antiviral treatment. <https://www.hcvguidelines.org>.

8 **III. ONGOING MONITORING**

9 Paragraph 40 of the Consent Decree (ECF No. 80) requires Defendants to provide
 10 information for the following categories:

11 ***a. The number of inmates tested/screened during the reporting period***

12 Between April 29, 2022 to July 29, 2022, 1015 inmates were tested for Hepatitis C. See
 13 attached spreadsheet “#1 HCV Tested” tab for dates of tests. Exhibit A.

14 ***b. The number of inmates who tested positive for HCV during the reporting period*** 15 ***(including the date on which each inmate tested positive for HCV)***

16 Between April 29, 2022 to July 29, 2022, 77 inmates tested positive for Hepatitis C. See
 17 attached spreadsheet “#2 HCV Positive” tab for dates of positive tests. Exhibit B.

18 ***c. The number of inmates who began receiving DAA Treatment (with an indication of*** 19 ***which type of DAA Treatment was provided and the date on which DAA Treatment*** 20 ***was initiated) during the reporting period***

21 Between April 29, 2022 to July 29, 2022, 66 inmates started DAA treatment. See attached
 22 spreadsheet “#3 Treatment Started” tab for dates and treatment names. Exhibit C.

23 ***d. The number of inmates who concluded their course of DAA Treatment (with an*** 24 ***indication of which type of DAA Treatment was provided and the date on which DAA*** 25 ***Treatment was concluded) during the reporting period***

26 Between April 29, 2022 to July 29, 2022, 39 inmates concluded their course of DAA
 27 treatment in custody. See attached spreadsheet “#4 Treatment Completed” tab for dates and
 28 treatment names. Exhibit D.

e. The number of inmates who obtained SVR (cure) after completion of DAA treatment during the reporting period

Between April 29, 2022 to July 29, 2022, 60 inmates in custody were confirmed to have obtained SVR after completion of DAA treatment. Exhibit E.

f. The number of inmates who were tested after receiving DAA treatment but did not obtain SVR (cure) after completion of DAA treatment during the reporting period

Between April 29, 2022 to July 29, 2022, 0 inmates in custody were confirmed to have NOT obtained SVR after completion of DAA treatment. Exhibit F.

g. The number of inmates for whom DAA Treatment was denied or delayed (with information and explanations for each denial/delay) during the reporting period.

Between April 29, 2022 to July 29, 2022, 23 inmates were released, 6 inmates currently still in custody have release dates less than 84 days. In addition, 10 inmates cannot be treated at this time pending further imaging/specialty evaluation as recommended by the infectious disease specialist from the Hopes clinic 7 inmates of whom were previously reported and are still pending to completion of further imaging/specialty evaluation and 3 inmates have been added this reporting period. Additionally, by way of explanation, there are some inmates who had their treatment delayed last quarter that are still delayed this quarter. These 7 inmates are delayed because they require multi-appointment diagnostic follow-up with a gastroenterologist. As a result, their treatment is delayed but NDOC is working diligently on getting them cleared for treatment once the gastroenterologist clears them for treatment. Finally, 1 inmate was seen by the infectious disease specialist who documented during the consultation the inmate opted to delay treatment until he is released in Reno and 1 inmate told Hopes he was paroling soon and they discussed that he will obtain treatment with the VA upon parole. See attached spreadsheet “#7 Delayed or Denied” tab for more detail. Exhibit G.

IV. HCV COMMITTEE MEETINGS AND MINUTES

Under Medical Directive 219, as incorporated into the Consent Decree, “NDOC will maintain an HCV Committee which shall consist of the Medical Director or designee and at least

two (2) institutional practitioners. The HCV Committee shall meet at least once per month.” MD 219.02(d) (ECF No. 61-1).

The HCV Committee has met on May 5, 2022, June 8, 2022 and July 6, 2022. Copies of the agendas for May 5, 2022, June 8, 2022 and July 6, 2022 are attached. Exhibit H. Minutes from the May 5, 2022, June 8, 2022 and July 6, 2022 are attached. Exhibit I. Defendants represent that these minutes reflect approval of all inmates who were considered for treatment.

V. UPCOMING DEADLINES FOR THE NEXT QUARTER

This coming quarter will mark the second year of monitoring after entry of the Consent Decree. Thus, it is contemplated that NDOC will provide treatment to “an additional 600 Class Members within the second (12) month period after the Effective Date...,” which deadline would fall on October 29, 2022. (ECF No. 80 ¶ 37(b)). Defendants have provided treatment to One Hundred Nineteen (119) Class Members as of the date of this Report.

Dated August 11, 2022.

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INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	NUMBER OF PAGES
A	# 1 HCV Tested	20
B	# 2 HCV Positive	2
C	#3 Treatment Started	2
D	#4 Treatment Completed	1
E	#5 Obtained SVR	2
F	#6 No SVR	1
G	#7 Delayed or Denied	2
H	Consent Agenda	4
I	Meeting Minutes	3

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 11th day of February, 2022, I caused to be served, a true and correct copy of the foregoing, **JOINT QUARTERLY REPORT**, by U.S. District Court CM/ECF Electronic Filing on the following:

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